

CLOSED

**U.S. District Court
Southern District of Georgia (Savannah)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-00264-WTM-ALL
Internal Use Only**

Case title: USA v. Kelly et al
Magistrate judge case number: 4:05-mj-00044-GRS

Date Filed: 09/16/2005

Assigned to: Chief Judge William T.
Moore

Defendant

Julius Darnell Kelly (1)
TERMINATED: 10/17/2006

represented by **James R. Gardner**
James R. Gardner, LLC
P.O. Box 879
Richmond Hill, GA 31324
912-756-3688
Fax: 912-756-3640
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18 USC 371 Conspiracy
(1)

18 USC 922(a)(1)(A) and 924(a)(1)(D)
Unlicensed dealing in firearms
(2)

18 USC 922(a)(6) False statements to
purchase firearms
(3-9)

Highest Offense Level (Opening)

Felony

Terminated Counts

None


Highest Offense Level (Terminated)**Disposition**

Dismissed

Defendant is hereby committed to the
custody of the USBOP for a term of 30
months; supervised release for a term of
3 years; std/special conditions of
supervision; assessment of \$100.00

Dismissed

Disposition

ATTEST: A TRUE COPY
Certified to 5/17/07

Deputy Clerk

None

Complaints

18:922A.F, 18:924A.F

Disposition

Assigned to: Chief Judge William T. Moore

Defendant

Michael Williams (2)

TERMINATED: 08/23/2006

represented by **Thomas R. Taggart**

The Taggart Law Firm

P.O. Box 8284

Savannah, GA 31412-8284

912/236-6949

Fax: 912/236-6959(fax)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

18 USC 371 Conspiracy

(1)

18 USC 922(a)(6) False statements to
purchase firearms

(3-7)

18 USC 922(a)(6) False statements to
purchase firearms

(8)

18 USC 922(a)(6) False statements to
purchase firearms

(9)

Disposition

Dismissed

Dismissed

Defendant is hereby sentenced to
probation for a term of 4 years;
std/special conditions of probation;
assessment of \$100.00

Dismissed

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints**Disposition**

None

Plaintiff

USA

represented by **Cameron Heaps Ippolito**
 U.S. Attorney's Office - Savannah
 P.O. Box 8970
 Savannah, GA 31412
 US
 912-652-4422
 Fax: 912-652-4388
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/01/2005	1	COMPLAINT as to Julius Darnell Kelly (1). (sff) [4:05-mj-00044-GRS] (Entered: 09/01/2005)
09/01/2005	2	ARREST Warrant Issued by G. R. Smith in case as to Julius Darnell Kelly. (sff) [4:05-mj-00044-GRS] (Entered: 09/01/2005)
09/01/2005	3	ARREST Warrant Returned Executed on 09/01/05. in case as to Julius Darnell Kelly. (sff) [4:05-mj-00044-GRS] (Entered: 09/01/2005)
09/01/2005	4	CJA 23 Financial Affidavit by Julius Darnell Kelly (sff) [4:05-mj-00044-GRS] (Entered: 09/01/2005)
09/01/2005	5	Minute Entry for proceedings held before Judge G. R. Smith :Initial Appearance as to Julius Darnell Kelly held on 9/1/2005 (Court Reporter TAPE.) (sff) [4:05-mj-00044-GRS] (Entered: 09/01/2005)
09/06/2005	6	ORDER OF TEMPORARY DETENTION as to Julius Darnell Kelly . Signed by Judge G. R. Smith on 09/01/05. (sff) [4:05-mj-00044-GRS] (Entered: 09/06/2005)
09/16/2005	7	INDICTMENT as to Julius Darnell Kelly (1) count(s) 1, 2, 3-9, Michael Williams (2) count(s) 1, 3-9. (jgb) (Entered: 09/16/2005)
09/16/2005	8	PENALTY CERTIFICATION by Government as to USA. (jgb) (Entered: 09/16/2005)
09/16/2005	9	Arrest Warrant Issued by G. R. Smith in case as to Julius Darnell Kelly, Michael Williams. (jgb) (Entered: 09/16/2005)
09/20/2005		***Excludable(s) stopped as to Julius Darnell Kelly (jgb) (Entered: 09/22/2005)
09/21/2005	10	Set Hearings as to Julius Darnell Kelly: Arraignment set for 9/27/2005 09:00 AM in Savannah - Mag Jud Courtroom before Magistrate Judge G. R. Smith. Detention Hearing set for 9/27/2005 09:00 AM in Savannah - Mag Jud Courtroom before Magistrate Judge G. R. Smith. (sff) (Entered: 09/21/2005)

		09/21/2005)
09/21/2005	●9	Arrest Warrant Returned Unexecuted in case as to Julius Darnell Kelly. (jgb) (Entered: 09/22/2005)
09/21/2005		***Location start as to Julius Darnell Kelly (jgb) (Entered: 09/22/2005)
09/27/2005	●10	Minute Entry for proceedings held before Judge G. R. Smith :Arraignment as to Julius Darnell Kelly (1) Count 1,2,3-9 held on 9/27/2005; NOT GUILTY PLEA ENTERED; GOV'T MOVES FOR PRETRIAL DETENTION; HEARING WILL BE SCHEDULED IF NECESSARY AFTER STATE BOND REVOCATION HEARING IS COMPLETED; GOV'T MOVES TO AMEND THE CAPTION OF THE INDICTMENT; NO OBJECTION; SO ORDERED (Court Reporter TAPE.) (Attachments: # 1) (sff) (Entered: 09/27/2005)
09/27/2005	●	Attorney update in case as to Julius Darnell Kelly. Attorney James R. Gardner for Julius Darnell Kelly added. (fbh) (Entered: 09/27/2005)
09/27/2005	●11	SCHEDULING ORDER as to Julius Darnell Kelly Motions due by 10/7/2005.. Signed by Judge G. R. Smith on 9/27/05. (fbh) (Entered: 09/27/2005)
09/27/2005	●12	CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (fbh) (Entered: 09/27/2005)
09/29/2005	●13	CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 09/30/2005)
09/30/2005	●14	Demand for LCrR 16.1 information by Julius Darnell Kelly (jgb) (Entered: 09/30/2005)
09/30/2005	●15	MOTION for Disclosure of exculpatory and impeaching information by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●16	MOTION to Compel by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●17	MOTION for Jackson-Denno Hearing by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●18	MOTION for Witness List by Julius Darnell Kelly . (jgb) (Entered: 09/30/2005)
09/30/2005	●19	MOTION to Inspect by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●20	MOTION for access to prospective government witnesses by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●21	MOTION for Disclosure of grand jury testimony by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	●22	MOTION for Notice of Intent to rely upon other crimes evidence by Julius Darnell Kelly . (jgb) (Entered: 09/30/2005)
09/30/2005	●23	MOTION to determine existence of confidential informant by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)

09/30/2005	● <u>24</u>	MOTION for Disclosure of jencks act material by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	● <u>25</u>	MOTION for Notice of Intent to use evidence arguably subject to suppression by Julius Darnell Kelly . (jgb) (Entered: 09/30/2005)
09/30/2005	● <u>26</u>	MOTION to Preserve Evidence by Julius Darnell Kelly . (jgb) (Entered: 09/30/2005)
09/30/2005	● <u>27</u>	MOTION for pretrial James Hearing by Julius Darnell Kelly. (jgb) (Entered: 09/30/2005)
09/30/2005	● <u>28</u>	Certificate of service by Julius Darnell Kelly (jgb) (Entered: 09/30/2005)
09/30/2005	●	MOTIONS as to Julius Darnell Kelly REFERRED to Magistrate Judge: <u>20</u> MOTION for access to prospective government witnesses, <u>23</u> MOTION to Produce, <u>22</u> MOTION for Notice of Intent by Julius Darnell Kelly, <u>19</u> MOTION to Inspect, <u>25</u> MOTION for Notice of Intent by Julius Darnell Kelly, <u>17</u> MOTION for Hearing, <u>27</u> MOTION for Hearing, <u>21</u> MOTION for Disclosure, <u>18</u> MOTION for Witness List by Julius Darnell Kelly, <u>16</u> MOTION to Compel, <u>26</u> MOTION to Preserve Evidence by Julius Darnell Kelly, <u>24</u> MOTION for Disclosure, <u>15</u> MOTION for Disclosure (jgb) (Entered: 09/30/2005)
10/05/2005	● <u>29</u>	CJA 20 as to Julius Darnell Kelly: Appointment of Attorney James R. Gardner for Julius Darnell Kelly. . Signed by Judge G. R. Smith on 10/5/05. (jgb) (Entered: 10/05/2005)
10/05/2005	● <u>30</u>	THIRD CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 10/06/2005)
10/07/2005	● <u>31</u>	FOURTH CERTIFICATE OF DISCLOSURE filed by USA as to Julius Darnell Kelly (kts) (Entered: 10/07/2005)
10/24/2005	● <u>32</u>	MOTION for Pretrial Detention Hearing by Julius Darnell Kelly. REFERRED to Magistrate Judge Smith.(kts) (Entered: 10/25/2005)
10/27/2005	● <u>33</u>	ORDER denying <u>32</u> Motion for Hearing as to Julius Darnell Kelly (1). Signed by Judge G. R. Smith on 10/27/05. (jgb) (Entered: 10/27/2005)
11/01/2005	● <u>34</u>	MOTION for Leave to File motion to suppress out of time by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 11/01/2005)
11/04/2005	● <u>35</u>	RESPONSE to Motion by USA as to Julius Darnell Kelly re <u>20</u> MOTION for access to prospective government witnesses, <u>32</u> MOTION for Hearing, <u>34</u> MOTION for Leave to File, <u>23</u> MOTION to Produce, <u>22</u> MOTION for Notice of Intent by Julius Darnell Kelly, <u>19</u> MOTION to Inspect, <u>25</u> MOTION for Notice of Intent by Julius Darnell Kelly, <u>17</u> MOTION for Hearing, <u>27</u> MOTION for Hearing, <u>18</u> MOTION for Witness List by Julius Darnell Kelly, <u>21</u> MOTION for Disclosure, <u>16</u> MOTION to Compel, <u>26</u> MOTION to Preserve Evidence by Julius Darnell Kelly, <u>24</u> MOTION for Disclosure, <u>15</u> MOTION for Disclosure (jgb) (Entered: 11/07/2005)

11/08/2005	●36	MOTION for Reconsideration re 33 Order on Motion for Hearing by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 11/08/2005)
11/14/2005	●37	Supplement to 36 MOTION for Reconsideration filed by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 11/15/2005)
11/16/2005	●38	FIFTH CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 11/17/2005)
11/21/2005	●	Set Hearings as to Julius Darnell Kelly: Bond Hearing set for 11/28/2005 09:00 AM in Savannah - Mag Jud Courtroom before Magistrate Judge G. R. Smith. (sff) (Entered: 11/21/2005)
12/06/2005	●39	SIXTH CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 12/06/2005)
01/09/2006	●40	MOTION for subpoena duces tecum by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 01/10/2006)
01/09/2006	●41	MOTION to obtain investigative services by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 01/12/2006)
01/19/2006	●42	ORDER denying 41 Motion to obtain the services of a private investigator as to Julius Darnell Kelly (1). Signed by Judge G. R. Smith on 1/19/06. (jgb) (Entered: 01/19/2006)
01/20/2006	●43	ORDER Setting Conditions of Release as to Michael Williams (2) Unsecured . Signed by Judge G. R. Smith on 1/20/06. (jgb) (Entered: 01/20/2006)
01/20/2006	●44	Appearance Bond Entered as to Michael Williams in amount of \$ Unsecured, (jgb) (Entered: 01/20/2006)
01/20/2006	●45	CJA 23 Financial Affidavit by Michael Williams (jgb) (Entered: 01/20/2006)
01/20/2006	●	Minute Entry for proceedings held before Judge G. R. Smith :Initial Appearance as to Michael Williams held on 1/20/2006 (Court Reporter Tape.) (jgb) (Entered: 01/20/2006)
01/20/2006	●46	MOTION to Quash by USA as to Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 01/20/2006)
01/25/2006	●47	Minute Entry for proceedings held before Judge G. R. Smith :Arraignment as to Michael Williams (2) Count 1,3-9 held on 1/25/2006; NOT GUILTY PLEA ENTERED; BOND REMAINS AS PREVIOUSLY SET (Court Reporter FTR.) (Attachments: # 1) (sff) (Entered: 01/25/2006)
01/25/2006	●48	SCHEDULING ORDER as to Michael Williams . Signed by Judge G. R. Smith on 1/25/06. (jgb) (Entered: 01/25/2006)
01/30/2006	●49	CJA 20 as to Michael Williams: Appointment of Attorney Thomas R. Taggart for Michael Williams. . Signed by Judge G. R. Smith on 1/30/06.

		(jgb) (Entered: 01/30/2006)
02/06/2006	●50	Arrest Warrant Returned Executed on 1/20/06. in case as to Michael Williams. (fbh) (Entered: 02/06/2006)
02/06/2006		***Excludable(s) stopped as to Michael Williams (fbh) (Entered: 02/06/2006)
02/07/2006	●51	ORDER denying 40 Motion for issuance of subpoenas as to Julius Darnell Kelly (1). Signed by Judge G. R. Smith on 2/7/06. (jgb) (Entered: 02/07/2006)
03/09/2006	●52	Sealed Document - Motion for subpoena duces tecum (jgb) (Entered: 03/09/2006)
03/13/2006	●53	Sealed Document - order granting motion for subpoena duces tecum (jgb) (Entered: 03/14/2006)
03/13/2006	●54	MOTION to Suppress by Julius Darnell Kelly. REFERRED to Judge Smith.(jgb) (Entered: 03/14/2006)
03/13/2006	●55	Memorandum in Support by Julius Darnell Kelly re 54 MOTION to Suppress (jgb) (Entered: 03/14/2006)
03/23/2006	●56	ORDER finding as moot 25 Motion for Notice of Intent as to Julius Darnell Kelly (1); finding as moot 26 Motion to Preserve Evidence as to Julius Darnell Kelly (1); finding as moot 27 Motion for Hearing as to Julius Darnell Kelly (1); finding as moot 34 Motion for Leave to File as to Julius Darnell Kelly (1); finding as moot 36 Motion for Reconsideration as to Julius Darnell Kelly (1); finding as moot 37 Motion for Reconsideration as to Julius Darnell Kelly (1); finding as moot 46 Motion to Quash as to Julius Darnell Kelly (1); finding as moot 54 Motion to Suppress as to Julius Darnell Kelly (1); finding as moot 15 Motion for Disclosure as to Julius Darnell Kelly (1); finding as moot 16 Motion to Compel as to Julius Darnell Kelly (1); finding as moot 17 Motion for Hearing as to Julius Darnell Kelly (1); finding as moot 18 Motion for Witness List as to Julius Darnell Kelly (1); finding as moot 19 Motion to Inspect as to Julius Darnell Kelly (1); finding as moot 20 Motion as to Julius Darnell Kelly (1); finding as moot 21 Motion for Disclosure as to Julius Darnell Kelly (1); finding as moot 22 Motion for Notice of Intent as to Julius Darnell Kelly (1); finding as moot 23 Motion to Produce as to Julius Darnell Kelly (1); finding as moot 24 Motion for Disclosure as to Julius Darnell Kelly (1). Signed by Judge G. R. Smith on 3/23/06. (jgb) (Entered: 03/24/2006)
04/05/2006	●57	MOTION for Bond by Julius Darnell Kelly. REFERRED to Judge Smith. (jgb) (Entered: 04/05/2006)
04/19/2006	●58	Minute Entry for proceedings held before Judge G. R. Smith :Detention Hearing as to Julius Darnell Kelly held on 4/19/2006; BOND IS SET AT \$20,000 FULLY SECURED (Court Reporter FTR.) (sff) Additional attachment(s) added on 4/19/2006 (sff). (Entered: 04/19/2006)
05/09/2006	●59	CHANGE OF PLEA entered by Michael Williams (2) Guilty Count 8.

		(jgb) (Entered: 05/09/2006)
05/09/2006	●	Minute Entry for proceedings held before Judge William T. Moore :Change of Plea Hearing as to Michael Williams held on 5/9/2006 in Savannah, GA. Defendant entered guilty plea to count 8 of the indictment and was allowed to remain on bond as previously set. Court allowed defendant to travel outside of the district from May 13, 2006 through May 16, 2006. (Court Reporter Cowart.) (mlg) (Entered: 05/09/2006)
05/10/2006	●	Minute Entry for proceedings held before Judge William T. Moore :Change of Plea Hearing as to Julius Darnell Kelly held on 5/10/2006 in Savannah, GA. Defendant entered guilty plea to count 2 of the indictment and was remanded to the custody of the USM. (Court Reporter Cowart.) (mlg) (Entered: 05/15/2006)
05/10/2006	●60	CHANGE OF PLEA entered by Julius Darnell Kelly (1) Guilty Count 2. (jgb) (Entered: 05/16/2006)
05/18/2006	●61	SEVENTH CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 05/18/2006)
05/25/2006	●62	EIGHTH CERTIFICATE OF DISCLOSURE by USA as to Julius Darnell Kelly, Michael Williams (jgb) (Entered: 05/25/2006)
06/13/2006	●63	MOTION for Leave of Absence by Thomas R. Taggart as to Michael Williams For dates of : July 12-July 20, 2006 . Responses due by 6/28/2006 (fbh) (Entered: 06/13/2006)
06/21/2006	●64	ORDER granting 63 Motion for Leave of Absence as to Michael Williams (2). Signed by Judge William T. Moore on 6/2/106. (fbh) (Entered: 06/21/2006)
07/14/2006	●65	MOTION to Reduce Sentence by USA as to Michael Williams. (jgb) (Entered: 07/14/2006)
08/21/2006	●	Minute Entry for proceedings held before Judge William T. Moore :Sentencing held on 8/21/2006 in Savannah, GA. 5k1.1 motion granted. See judgment. (Court Reporter Cowart.) (mlg) (Entered: 08/21/2006)
08/21/2006	●66	PLEA AGREEMENT as to Michael Williams (fbh) (Entered: 08/22/2006)
08/23/2006	●67	JUDGMENT as to Michael Williams (2), Count(s) 1, 3-7, 9, Dismissed; Count(s) 8, Defendant is hereby sentenced to probation for a term of 4 years; std/special conditions of probation; assessment of \$100.00 . Signed by Judge William T. Moore on 8/23/06. (jgb) (Entered: 08/23/2006)
10/13/2006	●68	SENTENCING MEMORANDUM by Julius Darnell Kelly (jgb) (Entered: 10/16/2006)
10/16/2006	●	Minute Entry for proceedings held before Judge William T. Moore :Sentencing held on 10/16/2006 in Savannah, GA. Defendant

		remanded to custody of the USM. See Judgment. (Court Reporter Cowart.) (mlg) (Entered: 10/17/2006)
10/17/2006	<u>69</u>	PLEA AGREEMENT as to Julius Darnell Kelly (jgb) (Entered: 10/17/2006)
10/17/2006	<u>70</u>	JUDGMENT as to Julius Darnell Kelly (1), Count(s) 1, 3-9, Dismissed; Count(s) 2, Defendant is hereby committed to the custody of the USBOP for a term of 30 months; supervised release for a term of 3 years; std/special conditions of supervision; assessment of \$100.00 . Signed by Judge William T. Moore on 10/17/06. (jgb) (Entered: 10/17/2006)
10/17/2006		TERMINATE CASE (jgb) (Entered: 10/17/2006)
10/27/2006	<u>71</u>	CJA 20 as to Michael Williams: Authorization to Pay Thomas Taggart. Amount: \$ 1527.20, . Signed by Judge William T. Moore on 10/27/06. (jgb) (Entered: 10/27/2006)
05/17/2007	<u>72</u>	Probation Jurisdiction Transferred to Middle District of Alabama as to Michael Williams Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (jgb) (Entered: 05/17/2007)

Sheet 1

**SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

Michael Williams

JUDGMENT IN A CRIMINAL CASE

Case Number: CR405-00264-002

USM Number: 12573-021

Thomas R. Taggart
Defendant's Attorney

THE DEFENDANT:

[X] pleaded guilty to Count 8.
 [] pleaded nolo contendere to Count(s) which was accepted
 by the court.
 [] was found guilty on Count(s) after a plea of not guilty.

The defendant has been convicted of the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(a)(6)	False statements to purchase firearms	August 19, 2005	8

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)____.

☒ Counts 1, 3 through 7, and 9 are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 21, 2006

Date of Imposition of Judgment

Signature of Judge

William T. Moore, Jr.
Chief Judge, U.S. District Court
Name and Title of Judge

Date _____

ATTEST: A TRUE COPY
 Executed by 5/17/67
[Signature]
 Deputy Clerk

DEFENDANT: Michael Williams
CASE NUMBER: CR405-00264-002

PROBATION

The defendant is hereby sentenced to probation for a term of 4 years.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) Any possession, use, or attempted use of any device to impede or evade drug testing shall be a violation of probation.

DEFENDANT: Michael Williams
CASE NUMBER: CR405-00264-002

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a program of testing for drug and alcohol abuse and, if the Court determines it is necessary, the defendant shall participate in a program of treatment for drug and alcohol abuse.
2. The defendant shall complete 200 hours of community service during the first 24 months of supervision.
3. The defendant shall complete the requirements to be awarded a General Educational Development diploma within the first 24 months of supervision.

ACKNOWLEDGMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U. S. Probation Officer/Designated Witness

Date

DEFENDANT: Michael Williams
CASE NUMBER: CR405-00264-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$100		

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such a determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

Totals:

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution.

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Michael Williams
CASE NUMBER: CR405-00264-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
- ☐ not later than ____; or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$__ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$__ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within __ (eg., 30 or 60 days) after release from imprisonment. the court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest; (4) fine principal; (5) fine interest; (6) community restitution; (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2005 SEP 16 AM 10: 25

UNITED STATES OF AMERICA)

v.)

JULIUS DARNELL KELLY)

and)

MICHAEL WILLIAMS)

INDICTMENT

VIO: 18 U.S.C. § 371
CONSPIRACY

18 U.S.C. § 922(a)(1)
UNLICENCED DEALING
IN FIREARMS

18 U.S.C. § 924(a)(1)(A)
FALSE STATEMENTS TO
PURCHASE FIREARMS

THE GRAND JURY CHARGES:

COUNT ONE
(CONSPIRACY)

A. The Conspiracy

1. Beginning on or about June 25, 2005, and continuing thereafter until about August 31, 2005, the exact dates being unknown to the Grand Jury, in Liberty County, within the Southern District of Georgia, and elsewhere, the Defendants herein,

JULIUS DARNELL KELLY,

and

MICHAEL WILLIAMS,

aided and abetted by each other and other unindicted co-conspirators known and unknown to the Grand Jury, knowingly combined, conspired, confederated and agreed together and with each other:

ATTEST: A TRUE COPY
Certified in 51710
Deputy Clerk

(A) To, while not being licensed importers, manufacturers, dealers or collectors, engage in the business of dealing in firearms, or in the course of such business to ship, transport or receive firearms in interstate commerce, in violation of Title 18, United States Code, Section 922(a)(1);

(B) To, in connection with the purchase and acquisition of firearms from federally licensed firearms dealers, knowingly make, and cause the making of, false and fictitious written statements regarding who was the true buyer and true purchaser of all of the firearms purchased, which statements were intended and likely to deceive said dealers with respect to facts material to the lawfulness of the sale of the firearms in violation of Title 18, United States Code, Section 924(a)(1)(A);

2. The primary purpose of the conspiracy was to make money by illegally buying firearms in the State of Georgia and transporting the firearms to the State of Maryland for sale.

B. Overt Acts

3. In furtherance of the conspiracy and to effect the objects thereof, the defendants and their unindicted co-conspirators committed the below listed transactions on the dates and at the locations noted:

DATE PURCHASED	PURCHASER	DEALER	FIREARMS PURCHASED
June 25, 2005	WILLIAMS	Pawn City, Hinesville, Georgia	a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1251818 b. Hi-Point, model CF380, .380 caliber semiautomatic pistol, serial number P810299 c. Hi-Point, model JHP, .45 caliber semiautomatic pistol, serial number X405595

July 1, 2005	WILLIAMS	Mr. Cash Pawn Shop, Hinesville, Georgia	<p>a. Hi-Point, model JHP, .45 caliber semiautomatic pistol, serial number X435424</p> <p>b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257011</p> <p>c. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257013</p> <p>d. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257019</p>
July 8, 2005	WILLIAMS	Mr. Cash Pawn Shop, Hinesville, Georgia	Two Hi-Point, model JCP40, .40 caliber semiautomatic pistols, serial numbers X722205 and X722206
July 11, 2005	WILLIAMS	Gold and Silver Pawnshop, Hinesville, Georgia	<p>a. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016451</p> <p>b. Jimenez, model JA Nine, 9mm semiautomatic pistol, serial number 001557</p> <p>c. Jimenez, model JA Nine, 9mm semiautomatic pistol, serial number 001558</p>
August 13, 2005	WILLIAMS	Mr. Cash Pawn Shop, Hinesville, Georgia	<p>a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265700</p> <p>b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265706</p> <p>c. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265709</p> <p>d. Hi-Point, model JHP45, .45 caliber semiautomatic pistol, serial number X435406</p>
August 19, 2005 11:26 A.M.	WILLIAMS	Gold and Silver Pawnshop, Hinesville, Georgia	<p>a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1264772</p> <p>b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1264773</p> <p>c. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016585</p> <p>d. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016599</p>

August 19, 2005 12:05 P.M.	WILLIAMS	Gold and Silver Pawnshop, Hinesville, Georgia	Bryco, model 38, .380 caliber semiautomatic pistol, serial number 1597039
August 31, 2005	J. W.	Mr. Cash Pawn Shop, Hinesville, Georgia	a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1269239 b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1269235 c. Hi-Point, model CF380, .380 caliber semiautomatic pistol, serial number P832892 d. Hi-Point, model CF380, .380 caliber semiautomatic pistol, serial number P832787 e. Hi-Point, model CF380, .380 caliber semiautomatic pistol, serial number P832754

6. On or about the dates mentioned above, defendants JULIUS DARNELL KELLY, MICHAEL WILLIAMS and "J. W." purchased the semiautomatic pistols mentioned above from Pawn City, Mr. Cash Pawn Shop, and Gold and Silver Pawnshop, federally licensed firearms dealers located in Hinesville, Georgia.

7. WILLIAMS and "J. W." executed an ATF 4473 Firearms Transaction Record on each date mentioned for the purchase of the firearms.

8. In the aforesaid ATF 4473 Firearms Transaction Records, each coconspirator stated that he or she was the true purchaser and buyer of the above listed firearms.

9. The defendants and their coconspirators purchased the firearms with funds provided by JULIUS DARNELL KELLY and others.

10. Each of the defendants and conspirators knew and had reason to believe that the purpose of the purchases was to transport the firearms to Maryland and sell them without a Federal Firearms License.

11. In Counts Two-Nine hereinafter, these acts are realleged and made a part of this Count;

In violation of Title 18, United States Code, Section 371.

COUNT TWO
(UNLICENCED DEALING IN FIREARMS)

THE GRAND JURY FURTHER CHARGES THAT:

1. The General Allegations of Count One are hereby incorporated into this count as if fully set forth herein.

2. Beginning on or about Beginning on or about June 25, 2005, and continuing thereafter until about August 31, 2005, the exact dates being unknown to the Grand Jury, in Liberty County, within the Southern District of Georgia, and elsewhere, defendant

JULIUS DARNELL KELLY,

aided and abetted by other persons both known and unknown, willfully engaged in the business of dealing in firearms without a license;

In violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

COUNTS THREE-NINE
(FALSE STATEMENTS TO PURCHASE FIREARMS)

THE GRAND JURY FURTHER CHARGES THAT:

1. The General Allegations of Count One are hereby incorporated into this count as if fully set forth herein.

2. On or about the following dates, in the Southern District of Georgia, and within the jurisdiction of this Court, defendant **MICHAEL WILLIAMS**, aided, abetted, counseled and commanded by **JULIUS DARNELL KELLY** and others, in connection with the acquisition of

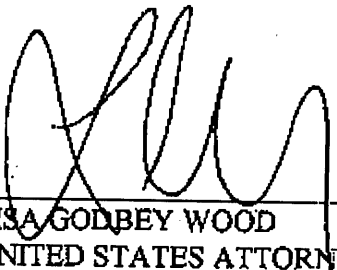
the following firearms from the following federally licensed firearms dealers, did knowingly and wilfully make false and fictitious written statements, to wit: that he was the buyer and true purchaser of all of the firearms purchased, when in fact the firearms were purchased for **JULIUS DARNELL KELLY**, which statements were intended and likely to deceive said dealer with respect to facts material to the lawfulness of the sale of said firearms, as follows;


COUNT	DATE PURCHASED	DEALER	FIREARMS PURCHASED
3	June 25, 2005	Pawn City, Hinesville, Georgia	a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1251818 b. Hi-Point, model CF380, .380 caliber semiautomatic pistol, serial number P810299 c. Hi-Point, model JHP, .45 caliber semiautomatic pistol, serial number X405595
4	July 1, 2005	Mr. Cash Pawn Shop, Hinesville, Georgia	a. Hi-Point, model JHP, .45 caliber semiautomatic pistol, serial number X435424 b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257011 c. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257013 d. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1257019
5	July 8, 2005	Mr. Cash Pawn Shop, Hinesville, Georgia	Two Hi-Point, model JCP40, .40 caliber semiautomatic pistols, serial numbers X722205 and X722206
6	July 11, 2005	Gold and Silver Pawnshop, Hinesville, Georgia	a. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016451 b. Jimenez, model JA Nine, 9mm semiautomatic pistol, serial number 001557 c. Jimenez, model JA Nine, 9mm semiautomatic pistol, serial number 001558
7	August 13, 2005	Mr. Cash Pawn Shop, Hinesville, Georgia	a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265700 b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265706 c. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1265709 d. Hi-Point, model JHP45, .45 caliber semiautomatic pistol, serial number X435406

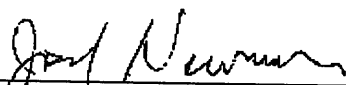
COUNT	DATE PURCHASED	DEALER	FIREARMS PURCHASED
8	August 19, 2005 11:26 A.M.	Gold and Silver Pawnshop, Hinesville, Georgia	a. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1264772 b. Hi-Point, model C9, 9mm semiautomatic pistol, serial number P1264773 c. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016585 d. Jimenez, model JA 38, .380 caliber semiautomatic pistol, serial number 016599
9	August 19, 2005 12:05 P.M.	Gold and Silver Pawnshop, Hinesville, Georgia	Bryco, model 38, .380 caliber semiautomatic pistol, serial number 1597039

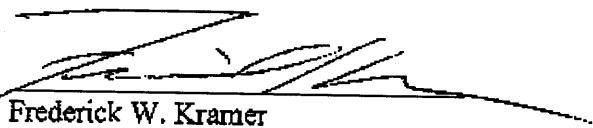
In violation of Title 18, United States Code, Section 922(a)(6).

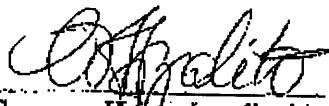
A True Bill.


LISA GODBEY WOOD
UNITED STATES ATTORNEY


Foreperson


Joseph D. Newman
Assistant United States Attorney
Chief, Criminal Section


Frederick W. Kramer
Assistant United States Attorney
Senior Litigation Counsel


Cameron Heaps Ippolito**
Assistant United States Attorney

**Lead Counsel